

REMARKS

Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks. Independent claims 1, 15, 27, 31 and 39 are amended above. Dependent claims 3, 4, 6-10, 13, 18-20, 22 and 34-37 are amended in view of the amendments to the independent claims from which they depend. Support for the amendments is provided by at least Figures 7-8 and the related description of those figures in the present application. New claims 40-44 have been added and include the limitations of claims 8 and 10 rewritten in independent form. Claims 1 and 3-44 remain pending in the application.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2-6, 8, 9, 14-18, 27, 29, 31, 32, 34, 35, 37 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,860,895 to Akerfeldt et al. Applicants respectfully traverse the rejection.

Claim 1 recites “a spool member of the automatic driving mechanism contacts the tamping member to move the tamping member.” Claim 15 recites “wherein the means for driving the sealing plug . . . includes at least one spool member, a portion of the tamping tube contacting the spool member.” Claim 27 recites “a tamping spool located within the handle, the tamping tube contacting the tamping spool.” Claim 31 recites “the tamping member contacts a spool member of the automatic driving mechanism that is rotated with the motive force.” Claim 39 recites “a portion of the tamping member contacting a spool member of the driving mechanism.”

Akerfeldt fails to disclose a tamping member or a tamping tube that contacts a spool. Akerfeldt discloses an insertion tool 101 that includes a distal plug member 2, a proximal plug member 3, an outer feeder member 33, a pulley spacer member 37, a first pulley 38 mounted to pulley spacer member 37, a clamping block 39, and a second pulley 40 mounted to the clamping block 39. A suture 6 extends from the distal plug member 2, over the first and second pulleys 38, 40, and terminates at a pusher 36. In operation, an axially force is applied to the proximal plug member 3 by the outer feeder member 33 as a casing of the insertion tool 101 is pulled proximally (*see* FIGS. 5-7 of Akerfeldt and the related description at col. 6, line 47 to col. 7, line 39).

The outer feeder member 33 does not contact one of the pulleys 38, 40. Rather, the outer feeder member 33 is spaced from the first pulley 38 by the pulley spacer member 37. The second pulley 40 is mounted to the clamping block 39 and remains spaced apart from the outer feeder member 33. There are no other features disclosed by Akerfeldt that engage the proximal plug member 3 or perform a tamping function besides the outer feeder member 33. Therefore, Applicants submit that Akerfeldt fails to disclose every limitation of claims 1, 15, 27, 31 and 39 for at least the reason there is no contact between a tamping member or tamping tube and a pulley.

Applicants respectfully submit that all claims that depend from claims 1, 15, 27, 31 and 39 are not anticipated by Akerfeldt for at least the reason they are dependent upon an allowable base claim.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 7, 10-13, 19-26, 28, 30, 33, 36 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,860,895 to Akerfeldt et al. Applicants respectfully traverse the rejection. As discussed above, Akerfeldt fails to disclose every limitation of independent claims 1, 15, 27, 31 and 39. Applicants further submit that Akerfeldt fails to render obvious every limitation of claims 1, 15, 27, 31 and 39 for at least the reasons stated above. Therefore, claims 7, 10-13, 19-26, 28, 30, 33, 36 and 38 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Double Patenting Rejection

Claims 1 and 3-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over copending U.S. Application Nos. 11/130,895, 11/130,688, 11/103,730, and 11/103,257. Applicants will wait to address any potential double patenting issues until Applicants receive an indication that the claims in any one of these applications or the present application have been allowed.

New Claims

New claims 40-44 have been added. Applicants believe these new claims distinguish over the art of record and are therefore allowable. Applicants request favorable consideration of these new claims.

Conclusion

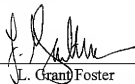
For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request a favorable action on the merits. If there remain any unresolved issues, Applicants invite the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicants expressly disclaim all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,

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